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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,347	11/29/2001	Julia MacLachlan	1-15092	6062
1678	7590	10/24/2006	EXAMINER	
MARSHALL & MELHORN FOUR SEAGATE, EIGHT FLOOR TOLEDO, OH 43604			ROSSI, JESSICA	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20061011

DATE MAILED:

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Commissioner for Patents

### DETAILED ACTION

1. The supplemental Appeal Brief filed on 10/2/06 contains proper 'Evidence' and 'Related Proceedings' Appendices and therefore has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the Appeal.

2. In addition to those items mentioned in the previous paragraph, the Board of Patent Appeals and Interferences also returned the Appeal to the Examiner (see 'Order Returning Undocketed Appeal' dated 6/15/06) because it did not provide English translations for the JP 2001-146439 reference to Yoshinori or the FR 2793889 reference to Anderson and it did not have complete copies of the two translations scanned into IFW and furnished to Appellant.

The Examiner would like to point out that complete English translations of the JP '439 and FR '889 references were scanned into IFW and sent to Appellant along with the Examiner's Answer dated 1/19/06 – almost five months before the Board returned the Appeal to the Examiner.

3. In addition to those items mentioned in the previous paragraph, the Board of Patent Appeals and Interferences also returned the Appeal to the Examiner because it was not apparent from the record whether or not the Supplemental Declaration under 37 CFR 1.131 filed on 5/11/05 was considered by the Examiner.

This Supplemental Declaration filed on 5/11/05 was considered by the Examiner in the Final office action dated 7/18/05 but this was not expressly stated in the office action because Appellant's arguments, also filed on 5/11/05, convinced the Examiner that the original Declaration under 37 CFR 1.131 filed on 9/29/04 was sufficient to overcome the Hartig et al. reference (see paragraph 4 of Final office action dated 7/18/05).

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4. In addition to those items mentioned in the previous paragraph, the Board of Patent Appeals and Interferences also returned the Appeal to the Examiner because the full names of the Conferees were not typed or printed on the last page of the Examiner's Answer dated 1/19/06.

Therefore, a revised Examiner's Answer that corrects this problem has been provided to Appellant.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**JESSICA ROSSI  
PRIMARY EXAMINER**

